

Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York on Tuesday, December 15, 1987 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
Victor Prusinowski, Councilman
John Lombardi, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman

Also Present: Richard Ehlers, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

RESOLVED, that the Minutes of Regular Board Meetings held on November 17, and December 1, 1987 are dispensed without objection and be approved.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "The heads of department of town government are present if you should have any question of them. Reports Mrs. Pendzick."

REPORTS

Riverhead Fire District-Election Inspector's Report of the Annual Election.

Filed

Jamesport Fire District-Certificate of canvass for Election of Commissioner.

Filed

Supervisor-D.E.I.S. for Wildwood Village Retirement Community as prepared for M.H. of L.I., Inc.

Filed

Planning Board-Approves final plat for Calverton Homesteads and Sandy Hollow Woods, Raynor Avenue; Denies minor subdivision of Aliano and approves plan for Ernest Kempermann; approves Special Permit of Addabbo & Trombetta; and approves Change of Zone of Thomas Lessard.

Filed

Cross River Project-Draft Environmental Impact Statement.

Filed

Farmland Preservation Project-Generic D.E.I.S.

Filed

Manorville Fire District-Results of Annual Election.

Filed

Supervisor Janoski, "Thank you. Applications."

12/15/87

1579

APPLICATIONS AND PETITIONS

Site Plan-Agricultural Worker Housing, Half Hollow Nursery Realty, Corp., Laurel, New York.

Filed

Petition-Thomas Dix, owner of property on Founders Path, Baiting Hollow, requests a hearing appealing CAC decision.

Filed

Petition-64 Wading River residents against any moratorium and asking Town Board to vote "NO".

Filed

Supervisor Janoski, "Thank you. Correspondence."

CORRESPONDENCE

Mr. and Mrs. William Grover, 12/3/87-Concern re: Timothy Hill Rental on Meadow Lane.

Filed

James O. Frein, 12/2/87-Copy of letter sent to Vincent G. Donnelly, Nelson & Pope Engineers, re: plan for Duck Pond Estates.

Filed

Joseph DiTusa, 12/4/87-Withdraws Site Plan for Jamesport Hardware.

Filed

Sherry Johnson, 12/3/87-Letter to Riverhead Planning Board re: Mill Pond Commons & k/a/ Valmont Homes; August Rosano.

Filed

Richard N. Suprina, 11/30/87-Riverhead Central School District's concern over new proposed residential developments and the impact on the school district.

Filed

Joseph Gertler, Jr., 11/22/87-Requests Town support for The Raceway Collection, a museum for aeronautical collections.

Filed

Supervisor Janoski, "Thank you. The time for the first public hearing has not yet arrived. We have a very long list of Unfinished Business. Some of which will be addressed this evening. I would, at this time, recognize anyone who wishes to be heard on any subject. Mr. Nohejl."

Bill Nohejl, Wading River, "In reference to the parking lot off of Roanoke (the new one) is very nicely done with landscape. But there's one thing that caught my eye and I would like to bring it to your attention. I don't know who's department it might be. There's an old dilapidated building directly in back of Rimlands which is an eyesore. I don't know who's department? Yours? The Building Inspector? Code Inspector? Townscape? But it looks like it's out of place. I would appreciate it if that would be taken care of to conform with the rest of the parking lot. Also, on Second Street where the blinking lights are; I think we had a public hearing as to the setbacks of the sign. As of yet, I have not seen anything done."

Councilman Prusinowski, "What sign?"

PERSONAL APPEARANCES Continued

Bill Nohejl, "The parking close to that intersection where Maple comes into Second."

Councilman Prusinowski, "Right, ok."

Bill Nohejl, "And that sign..."

Councilman Prusinowski, "We didn't have to do a resolution yet, Bill?"

Bill Nohejl, "I think you had a resolution on it about a month and a half you had the resolution. You had a public hearing on it and I think you passed a resolution on it the following meeting. As of yet, I don't see any difference in that intersection. I'd like to bring that to your attention. Thank you. But definitely check that out in back of Rimlands because the outside surface of the building is all dilapidated. You can see like where the plaster and the sheetrock sticking right there and I believe it's a violation and should be taken care of. Thank you."

3 Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Town Board? Henry."

Henry Pfeiffer, Wading River, "It's come to my attention tonight, surprisingly enough and believedably enough, that tonight we're losing two members of this very fine group who sit on this platform every couple of weeks. And I would like to recognize or remark upon the fact that we have been quite satisfied. As a matter of fact, very satisfied with the performance of the Town Board and of the Town Attorney. And I'd like to compliment them on their long record of altruistic service, their dedication to the welfare of the residents of the Town of Riverhead. Mr. Prusinowski and Mr. Dick Ehlers, we're going to miss you from this platform but hope to see you remain active in the town. Thank you."

Supervisor Janoski, "I do believe Vic is blushing."

Councilman Prusinowski, "If I come in for a traffic ticket, take it easy on me. Thank you very much Henry. It's been a pleasure to serve the Town of Riverhead. You know, when you grow up in a town like Riverhead, you go to school and you get involved in Student Council and stuff. You never dream that you'd have an honor like this and it's been a pleasure and I appreciate your comments. Thank you."

Supervisor Janoski, "Is there anyone else present? Mr. Kasperovich."

William Kasperovich, Wading River, "I'm surprised that my predecessors in speaking before these microphones, did not introduce the subject that they were so faciforous about two weeks ago Tuesday. I am not that forgiving of heart having approached the Town Board for so many years. You have made me quite hard hearted and I'm sorry to say that we have not faced the judicial bodies in this country yet. If you people to continue the way you are or have been for the last eight years, there is still hope. Now,

PERSONAL APPEARANCES ContinuedWilliam Kasperovich, Continued

I think you present to the public, reasonable conclusion that your work shop sessions are in fact, Town Board meetings. You have concealed which resolutions have been worked on and a part of their effort from the Councilmen. You have permitted the resolutions to be breezed over without any explanation at times. The last Town Board meeting, I believe, you placed the last straw on the camel's back. To pass all the resolutions in one fell swoop and have all you Councilmen approve it with no statement of objection, I think is a conclusive indication that you are practicing deception and concealment. The public is not entitled to talk in your work shop sessions. The public is required to remain mute in your public sessions. You, Mr. Supervisor, do not give the public (namely myself) reasonable time to present our problems as he sees them. I assume I'm not the only one in this township. But when you conduct a meeting like you did the last time, you're certainly making what the news reporters refer to these evening meetings as; quote, a big joke. I have hope that what little change we will have on the Town Board in the coming year, will be a change for the better. Because certainly, the last meeting, Democrats and Republicans were pulling in the same direction. In the wrong direction. We need a breath of fresh air on the podium. Yes, I have skated on thin ice in my own conduct in years passed. But at the same time, I'm getting encouragement from members in good standing in the bar association. But I should not be so timid. I can be as effective as a defendant as well as a plaintiff. Thank you."

Supervisor Janoski, "Thank you Bill. There's about two minutes remaining. Is there anyone who wishes to be recognized to address the Board? Well why don't we take up that first resolution on the retirement of Mr. Sawicki."

RESOLUTIONS

#819 RECOGNIZES THEODORE J. SAWICKI, PRINCIPAL OF THE RIVERHEAD MIDDLE SCHOOL, ON THE OCCASION OF HIS RETIREMENT.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, the future of our nature is, in large measure, dependant on the education of its youth, the citizens of tomorrow; and

WHEREAS, THEODORE, J. SAWICKI, has devoted more than 31 years in the service of education, and

WHEREAS, has devoted himself to the youth of the Riverhead School District for 19 years and presently serves as Principal of the Riverhead Middle School, and

WHEREAS, the Town of Riverhead wishes to express its esteem to THEODORE J. SAWICKI, and to acknowledge the dedicated manner in which he performed his duties.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board pause in its deliberations to recognize the accomplished service and dedication of THEODORE J. SAWICKI on the occasion of his retirement, and

RESOLUTIONS Continued

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Theodore J. Sawicki.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted by
ACCLAMATION.

Supervisor Janoski, "Let the record show that the hour of 7:45 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, December 15, 1987 at 7:45 p.m. to hear all interested persons who wish to be heard regarding: The Construction of Water Extension #40 in West Northville and the Installation of water lateral mains.

(See Water District Minutes)

7:45 PUBLIC HEARING CLOSED AT 7:50

RESOLUTIONS Continued

#820 ADOPTS RESOLUTION RE: AMENDMENT TO SECTION 72-2(C) OF THE RIVERHEAD TOWN CODE.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the Town Clerk was authorized to publish and post a public notice regarding an amendment to Section 72-2(C) of the Riverhead Town Code; and

WHEREAS, a public hearing was held pursuant to said public notice on said date and at said time and place specified in said public notice; and

WHEREAS, all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that the amendment to Section 72-2(C) of the Riverhead Town Code be and is hereby adopted as follows:

C. Garbage haulers: ~~one-dollar-and-twenty-five-cents~~
~~(\$1.25)~~ two dollars and fifty cents (\$2.50) per cubic yard truck capacity.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Riverhead News Review; and be it further

RESOLUTIONS Continued

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Sanitation Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#821 ADOPTS RESOLUTION RE: AMENDMENT TO SECTION 73-6 OF THE RIVERHEAD TOWN CODE.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons regarding an amendment to Section 73-6 of the Riverhead Town Code; and

WHEREAS, a public hearing was held on said date and at said time and place pursuant to said public notice and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that the amendment to Section 73-6 of the Riverhead Town Code be and is hereby adopted as follows:

Section 73-6. Quorum.

At least ~~five-(5)~~ four (4) members of the Landmarks Preservation Commission shall constitute a quorum for the transaction of its business or the performance of its functions, and the concurring vote of four (4) members of the Landmarks Preservation Commission shall be necessary for the adoption of any recommendations, motions or other acts of the Landmarks Preservation Commission.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish ~~and copy~~ of this resolution once in the Riverhead News Review and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Landmarks Preservation Commission.

*running line represents deletion

*underscore represents addition

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#822 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: SPECIAL PERMIT APPLICATION OF MICHAEL ADDABBO AND EDWARD TROMBETTA.

RESOLUTIONS Continued

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a public notice regarding the application of Michael Addabbo and Edward Trombetta.

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 5th day of January, 1988, at 7:45 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the special permit application of Michael Addabbo and Edward Trombetta to construct a dental laboratory at premises located at Route 58, Riverhead, New York.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#823 AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS ON STREET LIGHTS FOR STREET LIGHTING DISTRICT.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of Street Lights for the use of the Town of Riverhead Street Lighting District, and be it further

RESOLVED, that the specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 a.m. on December 28, 1987, and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to open and publicly and read aloud on December 28, 1987, at 11:00 a.m. at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York. All sealed bids bearing the designation "Bid on Street Lights".

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#824 TRANSFER OF FUNDS - HIGHWAY DEPARTMENT.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Superviosr be and is hereby authorized to transfer the following:

	<u>FROM</u>	<u>TO</u>
D5140.490 Drainage	\$12,250.00	
D5130.400 Repair of Equipment		\$10,000.00
D5140.460 Uniforms		750.00
D5140.470 Miscellaneous		1,500.00

RESOLUTIONS Continued

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#825 APPOINTS TEEN CENTER AIDE.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that CORINNE SEGAL be and is hereby appointed to the position of Teen Center Aide effective December 14, 1987 at the hourly rate of compensation of \$4.50, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Judy Doll and the Office of the Accounting.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#826 AWARDS BID FOR 1988 MINI VAN FOR NUTRITION CENTER.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for bids to be let on December 3, 1987, regarding a 1988 Mini Van to be used by the Nutrition Center, and

WHEREAS, all bids were received on said date and at said time specified in said notice to bidders; and

WHEREAS, a total of two (2) bids were received on said date

NOW, THEREFORE, BE IT

RESOLVED, that the bid for a 1988 Mini Van to be used by the Nutrition Center be and is hereby awarded to Riverhead Dodge, Inc., at a cost of \$10,778.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Riverhead Dodge, Inc., and the Nutrition Center.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued# 827 APPROVES SITE PLAN OF NET REALTY HOLDING TRUST (ROANOKE SHOPPING CENTER)

Councilman Boschetti offered the following resolution, which was seconded by Councilman Pike:

WHEREAS, a site plan and elevations were submitted by Net Realty Holding Trust for the alteration to an existing building located at 1120 Old Country Road, Riverhead, New York; and

WHEREAS, the Planning Department has reviewed the site plan dated November 4, 1987, and elevations dated October 15, 1987, as prepared by Angelo Francis Corva & Associates, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, this Town Board has reviewed the site plan and elevations, aforementioned, dated November 4, 1987, and October 15, 1987, respectively, as prepared by Angelo Francis Corva & Associates.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by Net Realty Holding Trust for the alteration to an existing building located at 1120 Old Country Road, Riverhead New York, dated November 4, 1987, and elevations dated October 15, 1987, as prepared by Angelo Francis Corva & Associates, be and are hereby approved by the Town Board of the Town of Riverhead subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all

RESOLUTIONS Continued

signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained at the premises;

7. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

8. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

9. That adequate parking for the handicapped, pursuant to State and Federal Law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, NET REALTY HOLDING TRUST hereby authorizes the Town of Riverhead to enter premises at 1120 Old Country Road, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Nick Musacchia, the Riverhead Planning Department and the Riverhead Building Department.

RESOLUTIONS Continued

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of December, 1987, by NET REALTY HOLDING TRUST, with offices at 185 Great Neck Road, Great Neck, Declarant.

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto as provided by the Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed in this resolution or other official action of the Town, shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure, prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

RESOLUTIONS Continued

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. Trash receptacles of a decorative design approved by the Planning Department prior to their installation at the site shall be maintained at the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped pursuant to State and Federal Law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

9. That any and all landscaped areas shall be regularly maintained in a professional manner; and that any planters, planter boxes, window boxes or other container plantings shall be likewise maintained on a year-round basis.

Declarant has hereunto set his hand and seal the day and year above first written.

NET REALTY HOLDING TRUST

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On the _____ day of December, 1987, before me personally came _____, to me known and known to be the individual who executed the foregoing instrument; that he is _____ of NET REALTY HOLDING TRUST, the owner of certain real property located at 1120 Old Country Road, Riverhead, New York, the subject property of this declaration and covenant and understands the content thereof; and that he did swear to me that he executed the same.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued# 828 APPROVES SITE PLAN OF JOSEPH W. McHEFFEY (HOMETOWN BAKERY)

Councilman Pike offered the following resolution, which was seconded by Councilman Boschetti:

WHEREAS, a site plan and elevations were submitted by Joseph W. McHeffey for the interior alterations and erection of new sign located at 125 West Main Street, Riverhead, New York; and

WHEREAS, the Planning Department has reviewed the site plan and elevations dated November 30, 1987, as prepared by John Vanvelsor, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, this Town Board has reviewed the site plan and elevations, aforementioned, dated November 30, 1987, as prepared by John Vanvelsor.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Joseph W. McHeffey for the interior alterations and erection of new sign located at 125 West Main Street, Riverhead New York, dated November 30, 1987, as prepared by John Vanvelsor, be and are hereby approved by the Town Board of the Town of Riverhead subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all

RESOLUTIONS Continued

signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained at the premises;

7. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

8. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

9. That adequate parking for the handicapped, pursuant to State and Federal Law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, PAT TUCCIO and RENE GENDRON hereby authorizes the Town of Riverhead to enter premises at 125 West Main Street, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Nick Musacchia, the Riverhead Planning Department and the Riverhead Building Department.

RESOLUTIONS Continued

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of December, 1987, by PAT TUCCIO and RENE GENDRON, both residing at Red Cedar Point, Hampton Bays, Declarant.

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto as provided by the Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed in this resolution or other official action of the Town, shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure, prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

RESOLUTIONS Continued

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. Trash receptacles of a decorative design approved by the Planning Department prior to their installation at the site shall be maintained at the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped pursuant to State and Federal Law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

9. That any and all landscaped areas shall be regularly maintained in a professional manner; and that any planters, planter boxes, window boxes or other container plantings shall be likewise maintained on a year-round basis.

Declarant has hereunto set his hand and seal the day and year above first written.

PAT TUCCIO

RENE GENDRON

STATE OF NEW YORK)

)ss.:

COUNTY OF SUFFOLK)

On the _____ day of December, 1987, before me personally came PAT TUCCIO and RENE GENDRON, to me known and known to be the individuals who executed the foregoing instrument; that they are the owners of certain real property located at 125 West Main Street, Riverhead, New York, the subject property of this declaration and covenant and understand the content thereof; and that they did swear to me that they executed the same.

NOTARY PUBLIC

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued# 829 APPOINTS TEMPORARY RECREATION LEADER

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi.

RESOLVED, that Pat Perry be and is hereby appointed to the position of 90-day temporary Recreation Leader, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Stanley Grodski and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#830 REQUESTS NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO INVESTIGATE AND CONSIDER IMPROVEMENTS TO INTERSECTION OF SOUND AVENUE, N.Y.S. ROUTE 25A AND PARKER ROAD.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, it is recognized by the members of this Town Board and the Highway Superintendent that deficiencies do exist at the intersection of Sound Avenue, N.Y.S. Route 25A and Parker Road, and

WHEREAS, one of the major deficiencies of this intersection is considered to be the poor alignment of the intersection roadways, and

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board does hereby request the N.Y.S. D.O.T. to review the attached preliminary sketch recommending improvements to the intersection, and

BE IT FURTHER RESOLVED, that this Town Board does also request that the N.Y.S. D.O.T. consider the funding and undertaking of said improvements to cause the realignment of the intersection of Sound Avenue, N.Y.S. 25A and Parker Road, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward certified copies of this resolution to the Commissioner of the N.Y.S. D.O.T., N.Y.S. Senator Kenneth P. LaValle and N.Y.S. Assemblyman Joseph Sawicki.

Councilman Lombardi, "Mr. Supervisor, I would like added to this that a light would be in this study. A traffic light."

Councilman Boschetti, "I'll second that."

Councilman Lombardi, "It's not in here Joe."

RESOLUTIONS Continued

Supervisor Janoski, "I know that. But what you're talking about is a traffic light at the present intersection."

Councilman Lombardi, "Right. And if it's to be investigated on the other side, I think it might should be looked in to."

Supervisor Janoski, "I believe a light is planned there. I have no objection to adding that."

Councilman Lombardi, "I would just put it on for the record."

Supervisor Janoski, "So that added to it a consideration for the installation of a traffic control device. Alright. Let us have a vote on the amendment."

Councilman Lombardi offered the above amendment to resolution #830 to include the consideration of a traffic control device which was seconded by Councilman Boschetti.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The amendment was thereupon duly declared adopted as part of the resolution.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Let the record show that the hour of 7:55 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:55.p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, December 15, 1987 at 7:55 p.m. to hear all interested persons wishing to be heard regarding: The Change of Zone application of Henry Lee, Malibu Associates to rezone premises located at Sound Avenue, Baiting Hollow.

Supervisor Janoski, "Is there anyone present representing the applicant?"

Allen Smith, Attorney, "I do in fact represent the applicant. About two years ago, I filed a similiar application with reference to what we have come to know as the Entenmann parcel also on the north side of Sound Avenue opposite Doctors Path. It has taken a long while for that particular project to get to where it is this evening. In December of last year, you gentlemen were kind enough to give the final approvals for that particular project."

PUBLIC HEARING ContinuedAllen Smith, Continued

And I can report to you this evening that this morning at 10 o'clock, we in fact, closed that transaction. The import of that is that 111 acres of off site properties were added to the Suffolk County Farmland Preservation Program this morning at no cost to the tax payers. This includes the Kujawski farm west of Manor Lane. It fills out a piece of the Entenmann farm in Jamesport and it adds a 40 acre piece on Osborn Avenue. You should also know that contemporaneously with the transfer of the Osborn Avenue property, it was bought by Mr. Warner, the nurseryman for agricultural purposes. So that which I have put before you this evening has gone from a lot of hard work and speculation as to this particular vehicle resulting in the preservation of farmland to a firm reality as I speak this evening. The mechanism is exactly the same. The application is to superimpose the Recreational Use on top of the existing Residential Use of the property. Again, the property is to the north of Osborn Avenue, again, north of Sound Avenue. Unlike other presentations that I have made to you, this particular parcel has been before this Board before. You have already approved, on this particular site, a site plan that includes a two building complex. And therein, you have approved the yield of 67 units which was predicated upon the existing zoning on the property. As we reached a point with the Entenmann transaction and in our discussions with the local farmers, we came to a point some months ago where we could predict with a certain degree that this type of stipulated special permit process would result (in fact) in the farmer getting paid for these rights. We were able to put a farmer under contract for this type of transaction. That farmer is Mr. Marvin Warner. Mr. Warner, as you know, is a potato grower and he's in the room this evening. The particular parcel that we have identified with reference to this application is 18 acres owned by Mr. Warner north of 105, south of Northville Turnpike. It is the most northerly extension of the Bokina farm as those of us who have been around for a lot of years, know it. And application of those 18 acres on an 80% yield calculation which is a calculation that Mr. Pike and I have discussed in the past, results in an availability of 15 units. The architects, engineers who associate with this particular project, tell us that they can include the 13 units in the existing profiles of what you have approved already. You've approved a basic foot print of two buildings. Within that basic footprint, we can in fact, accommodate these additional 13 units which would put 40 in each building. It will add approximately 15 parking spaces to the site. But other than that, all the things that we have discussed before, we will remain the same essentially. Very little of the parcel is used. Most of it remains in open space and there is no further degradation of the environmental concerns. I would tell you, as I have done before, that this is a parcel that lends itself to this particular technique. We have discussed with Mr. Avery Young, who is also in the audience, considerations by him of a similar transference mechanism. But what is before the Board this evening is Mr. Warner's applications or a joint application by Mr. Lee and Mr. Warner for those 15 units included within the plan that you've already approved. And the mechanism, again, as you know, is the recreational zoning overlay. I'll answer any questions anybody may have."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you Allen. Is there anyone present wishing to address the Board on this application? Bill."

Bill Nohejl, "I just want a clarification. Is there any mechanism devised for the transfer of development rights?"

Richard Ehlers, "This is not a technical transfer of development rights. It was an application as was the Entenmann application to rezone property. In contemplation of the rezoning, the applicant is offering to mitigate the adverse environmental impacts of the rezoning which would increase density at that location by offering to dedicate property in another location. So it is not in the technical term, a transfer of development rights. There is no bank of development rights. It is an application where the Board must review the possible adverse environmental consequences of increasing the density on the site and weigh those against the positive environmental consequences of preserving more open space in another (hopefully) good area of the town for preservation of development rights which have historically been farmland."

Bill Nohejl, "From what I read into it, this is completely different from the Entenmann thing. Entenmann's was transferred to the County. Entenmann's rights were transferred to the County from that."

Councilman Prusinowski, "The ag. rights were transferred to the County. Not the development rights."

Richard Ehlers, "He's willing to transfer the ag. rights to the County on this one too as we understand it."

Bill Nohejl, "I didn't hear that."

Councilman Pike, "That is true."

Richard Ehlers, "It's predicated on the position that the Board would be willing to accept his offer to dedicate Mr. Warner's development rights to the County."

Bill Nohejl, "I didn't hear that before and it was confusing. Just transferring of development rights without a mechanism, I don't think was right. So that's why I'm bringing up the point."

Richard Ehlers, "We do it in two ways. We put them in the County program and we drew a reverter into that. So that in the event the County program at any time, ceased to be a viable program, those development rights revert to the Town of Riverhead."

Bill Nohejl, "The property of Mr. Warner's, is that adjacent to other development rights? Or is it going to be a little separate parcel by itself?"

Supervisor Janoski, "Why don't you put it on the record, Allen."

PUBLIC HEARING Continued

Allen Smith, "The two parcels have been identified in conjunction with Mr. Kunz and Mr. Kopellman, representing the Suffolk County Farmland Committee as parcels that they are interested in. I believe the parcels on the south side of 105 off the intersection of Union Avenue, are in, or proposed to be in the program. Further, Mr. Young's piece is adjacent to the Reeve farm which is already in the program."

Supervisor Janoski, "Thank you Allen. Is there anyone else present wishing to address the Board on this application? Mr. Wulforst."

Cyril Wulforst, Baiting Hollow, "This is sort of new here to me. But I would like to know where you got the yield from from these parcels that we have away from the site that would be either taken to... What basis are we taking that development right and putting it into the other one? Where do you get the yield from?"

Councilman Prusinowski, "It's the current zoning."

Cyril Wulforst, "I thought we had a moratorium here."

Councilman Prusinowski, "No moratoriums. There is no moratorium."

Cyril Wulforst, "We're talking about down zoning and things like that. How is it that just before we have our plan, that we are doing things like this here? That we have put a yield on land."

Councilman Prusinowski, "Before, even with the previous moratorium, I believe, this application project was not effected by this. This was in the works long before the previous moratorium or the discussions."

Cyril Wulforst, "But they got involved into it. That only happened recently."

Councilman Pike, "What would you like to see happen?"

Cyril Wulforst, "That's not fair. I'm not the planner. What I would like to see happen? I'd like to see everybody treated equal. That when we come in and ask for something, we would like the same thing. Not get, there's a moratorium, you can't take the yield and move it up on top of the hill. Now, I think somebody is fooling around."

Councilman Pike, "Well, in terms of what is currently proposed in TDR sending, he's getting exactly what's in the program, what everybody else would get."

Cyril Wulforst, "Well, do we have that program?"

Councilman Pike, "Well, we're talking about treating everybody the same."

PUBLIC HEARING Continued

Supervisor Janoski, "Cyril, would you stay near the microphone so we can pick up on the tape what you're saying."

Councilman Pike, "No special exception is being made here. I'm trying to respond to your point about everybody being treated equal. You asked how that is figured. And basically, it is figured at .8 units per acre which roughly approximates a conservative yield out of a one-acre subdivision. It was done that way so that we don't spend a lot of time doing a yield map, figuring out where the wetlands are and all of that. Most of the farmland (if I could finish) has very little of that anyway. So by doing a simple formula of .8 units per acre, he can very quickly move those development rights off the property into a receiving area."

Cyril Wulforst, "What will happen to the land alongside of that property that you're taking the rights now? Will that be in to the new rule or will that go back to what you're talking about? This has happened." So in other words, everything is one acre zone."

Councilman Pike, "This is the identical sending formula that is under consideration right now. So yes, they could send out the development rights at the same area."

Cyril Wulforst, "Do we here in the Town of Riverhead, have a program?"

Councilman Pike, "We don't have one adopted but we're sure looking at one."

Cyril Wulforst, "Yes, but if you don't have it adopted, we're giving them out. We're allowing them to happen."

Councilman Pike, "If saving farmland is something that you're..."

Cyril Wulforst, "We're not talking about that. We're talking about these policies."

Supervisor Janoski, "Cyril, if I could, the application is for a change of zone to recreation overlay. The recreation overlay itself, allows a higher density of development. What we are doing here is compensating in other parcels of land for the additional units. That has not ever been part of the overlay before, the implementation of the overlay. This is the first time it's being done. So that in exchange for the zoning overlay which allows a higher density, the applicants are willing to purchase the development rights of other properties in the town to compensate if you will, for the additional density. This is not a transfer of development rights."

Cyril Wulforst, "It's not a transfer of development rights?"

Supervisor Janoski, "No."

Councilman Pike, "Technically speaking, no it's not."

PUBLIC HEARING Continued

Cyril Wulforst, "Well, how can you take the numbers from one area and put them over if it's not a... A little while ago, you're talk about the town would have the development rights."

Supervisor Janoski, "If the Board were to grant the change of zone, grant the overlay, the applicant would in fact, be entitled to additional density without purchasing the development rights from any other property. In this case, the applicant is willing to compensate and I keep on using that word, (I don't know if it's the correct one) for the additional units by buying the development rights from other acreage in the town."

Cyril Wulforst, "Well, ok. You people know what you're doing. I don't. But I also know this, that you people suggested that we ought to have an area where we put the development rights and an area to take them from. But it doesn't sound like the area you're talking about, so you do what you want which I guess you are. But I would like you to remember that when we come in, we're looking for something on the same line and we have some recreational zone and I wish you wouldn't change it. I would remind you if it is changed."

Councilman Pike, "It's quite clear."

Councilman Prusinowski, "Yes, I understand your point of view."

Cyril Wulforst, "Thank you."

Supervisor Janoski, "Thank you Cyril. Is there anyone else present who wishes to address the Board? Henry."

Henry Pfeiffer, "I'm a little bit dense about this transferring of development rights in this particular case and I know it's not really the subject of this particular hearing. But I would like to know; in the transferring of development rights, is there a transfer of the rights in perpetuity or for a finite term? And what condition does the land of the subject of transfer of development, how is that maintained? If it's farmland, it remains farmland? If it's in the wilderness, it remains in the perceived wilderness?"

Councilman Prusinowski, "My last glory here. Once the development rights are sold to whoever; be it the County, or in this case, the other applicant, and it goes into the Suffolk County Program, it's subject to the terms and conditions of the Suffolk County Farmland Program which says that land will remain open space available or in active farmland until such time somebody petitions the Suffolk County Legislature for a vote and two thirds of all the people of Suffolk County vote to sell that land off to somebody else. That's the way it is right now. So you have to have two thirds of all the voters of Suffolk County and a referendum to say; ok, you can sell it back to whoever. So that's how it's maintained."

PUBLIC HEARING Continued

Councilman Pike, "Plus, if it were to come out of the County Program, the town could continue to enforce what would be an easement or a covenant restriction requiring that it be kept for agricultural production. But you have several layers of protection there."

Supervisor Janoski, "Is there anyone else present? Mr. Kasperovich."

William Kasperovich, "I must stand up here and object to your exceptance of comment which I take out of context, quote, all that we discussed is the same. Now, I should be used to this from Mr. Smith but I will never get used to it in having the Town Board accept it at a public hearing. This is totally out of order. We have a public meeting on something quite definite or we do not have a public hearing. I also object the terminology or Town Attorney, in the use of willingness. Willingness is not a definite item for a public hearing and it should not be permitted. It's nothing new to you gentlemen but I think the public should be made more aware of it and this is my only means to make them more aware of it right now. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who has not spoken? Bill."

Bill Nohejl, "I have no objection to Mr. Warner or Mr. Young or anything of that type. But I think this thing should be put on hold until everything is resolved around the whole town. This transfer of development rights here and there, I don't think it's fair to some of the other farmers or property owners. Thank you."

Supervisor Janoski, "Is there anyone remaining who would like to address the Town Board on this application? That being the case and without objection, I declare the hearing closed. Let the record show that the hour of 8:15 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

7:55 PUBLIC HEARING CLOSED AT 8:15

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, on Tuesday, December 15, 1987 at 8:05 p.m. to hear all interested persons wishing to be heard regarding: An Amendment to Section 108-3, "Swimming Pools".

Supervisor Janoski, "Mr. Town Attorney."

Richard Ehlers, "Under the current Town Code, swimming pools are an accessory use which must obey a separation from a main use. This has vexed applicants who seeked to attach the swimming pool to a main structure and fence the swimming pool

PUBLIC HEARING ContinuedRichard Ehlers, Continued

integrally with the main structure. The amendment would provide that in the event the swimming pool is attached to the main structure, it would be considered to be part of the main structure and not a separate accessory structure."

Supervisor Janoski, "Pat Tormey, could you add to this testimony the position of the Zoning Board of Appeals and why this amendment was requested."

Pat Tormey, Chairman Z.B.A., "We have, over the years, had a number of people come in requesting permission to attach the pool directly to the house so perhaps you would come out the french doors, the sliding doors onto a deck directly to the pool. The way the code is written now, this is not possible. It is not, certainly, our provence to give one variance after another for the same thing. This is a matter of the Town Board to amend the ordinance. Increasingly, people are more affluent and they want hot tubs and jacuzzis. I've tried to get us invited but it hasn't worked too well. It's easier and better simply to come out the back door and go to the hot tub or go to the jacuzzi. Also, as property has been used up in Riverhead, the flat lots have gone to a great extent. What is left are lots with topographical problems. And those people don't necessary have a lot of empty space out in the backyard to put a separate pool and it's better to do one levelling, one filling and put their pools in the same place. We really would appreciate this very much."

Supervisor Janoski, "Thank you."

Councilman Pike, "And you're satisfied with the language we have here and would solve those problems?"

Supervisor Janoski, "Is there anyone present who wishes to address this amendment of the code? Allen."

Allen Smith, "Mr. Supervisor, I speak in support of this particular amendment. Those of us who practice before the agencies of the town, this particular provision has been vexatious. It is a pain. It, as Mrs. Tormey points out, creates real practical difficulties for some very good designs by very talented architects and it forces us to come before Mrs. Tormey and Mr. Kobylenski and the others with applications that have absolutely no business being there. And I am in favor of the amendment."

Supervisor Janoski, "Ok. Is there anyone else present wishing to address the Board on this change in the code? Mr. Kasperovich."

William Kasperovich, "It seems that this is a means to allow shoe horn fits. If you don't have enough land to do something, you just don't do it. If you want to come in and modify it, you approach five intelligent people on a podium and ask for approval. The language of attached to me, as an engineer, is quite a vague term. When a person is learned as Mrs. Tormey,

PUBLIC HEARING ContinuedWilliam Kasperovich, Continued

refers to coming out of french doors to go to the swimming pool, this is an attachment by string of a bathing suit that unravels very quickly. Now, a beautiful architectural arrangement might be just that, beautiful but might not be acceptable and you are making allowance for a shoe horn fit. That's all."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to address the Town Board on the change of the code? That being the case and without objection, I declare the hearing closed. Let the record show that the hour of 8:22 p.m. has arrived. The Town Clerk will please read that notice of public hearing."

8:05 PUBLIC HEARING CLOSED AT 8:21

PUBLIC HEARING - 8:10 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, December 15, 1987 at 8:10 p.m. to hear all interested persons who wish to be heard regarding: An Amendment to Section 108-76D, "Board of Appeals Powers".

Richard Ehlers, "This is also an amendment dealing with the power of the Zoning Board of Appeals to allow a variance to remain in effect up to three one year extensions for a total of three years in the event that the applicant is unable to secure their building permits within that period of time of the initial first year. The problem that we have run in to is the lengthy SEQRA process. And with the interest of the Town Board in having the variance issues resolved before the Town Board resolves the special permit issues, the variances are issues and the applicants are unable to apply for their building permits within one year. This would permit the applicants to make an application to the Zoning Board and grant the Zoning Board the authority to extend the variance up to three years."

Supervisor Janoski, "Thank you. Is there anyone? Pat, if you would."

Pat Tormey, "We asked for this amendment for the reasons that the Town Attorney has said. Increasingly, there are a number of agencies outside of the town that have interests in various appeals. We normally allow a year. We try to be alert if we can see that the project is going to be lengthy, there's going to be a problem, we extend the time. It has become more difficult to see that, to foresee it. There's just too many other agencies involved now. Also, as mortgage money becomes available, sometimes less available, people wind up having to spend more time seeking out banks or getting permissions before they go to the bank or going back to the bank or whatever it is they have to do. And the year seems to disappear. The way the ordinance is written

PUBLIC HEARING ContinuedPat Tormey, Continued

now, those people are required to reapply with new surveys, new money, starting all over again from scratch. It makes no sense to us to have people to do that where there has been no change in the application. By being able to extend it which is common practice in other towns, we could eliminate one more little piece of red tape for some of our citizens."

Supervisor Janoski, "Thank you Pat. Is there anyone present who wishes to address the Board on this change in the provision of the Town Code? Mr. Kasperovich."

William Kasperovich, "I'm glad to hear Mrs. Tormey come here and acknowledge the facts that do request opinions from the Board of Appeals, that is very cumbersome, takes a lot of paper-work and doesn't quite fill the bill. I don't think it's true for what she states with regard to people having to resurvey her property. I only see obstacles by the Board of Appeals in their own conduct that they can not review and repeat and identical request. And I contend, if we want to be lenient on some special cases, certainly doubling the time (two years) is more than adequate. Three years is entirely too loose. Too much can change. Too many factors can be introduced that do not exist. We only have a Supervisor for two years at a stretch. That's bad enough. Now you want to stretch things to three years. No. Two years on this matter is adequate. Thank you."

Supervisor Janoski, "Thank you Bill. Is there anyone else present wishing to address the Board on the matter of this change in the code? That being the case and without objection, I declare the hearing to be closed. Let the record show that the hour of 8:27 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

8:10 PUBLIC HEARING CLOSED AT 8:27

PUBLIC HEARING - 8:15 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, December 15, 1987 to hear all interested persons who wish to be heard regarding: The Change of Zone Application of Vincent Della Speranzo, on Church Lane, Aquebogue.

(Note: Advertised as Agric. "A" to Bus. "CR"--should be opposite)

Supervisor Janoski, "Yes sir. Could you move a little closer to the microphone. Your name again please."

Vincent Della Speranzo, "I'd like to have a change of zone in Aquebogue."

Supervisor Janoski, "Could you tell us what you're going to do?"

PUBLIC HEARING Continued

Vincent Della Speranzo, "I'd like to put up a single family house. That's it."

Supervisor Janoski, "What street is it located on?"

Vincent Della Speranzo, "It's on Church Lane right off of 58."

Supervisor Janoski, "What is the present?"

Vincent Della Speranzo, "James McMahon."

Supervisor Janoski, "No. The present zoning."

Vincent Della Speranzo, "It's 'CR', commercial and we want it changed to residential."

Supervisor Janoski, "Mr. Town Attorney, would you like to."

Richard Ehlers, "In the current 'CR' zoning, you can only have a residence accessory to a business established. What you want to do is rezone it to agricultural 'A' completely so that there is no question that you can have just a residence without any commercial facility. The parcel is larger than an acre. Is that correct?"

Vincent Della Speranzo, "Yes. 1.4."

Supervisor Janoski, "Thank you Mr. Speranzo." Is there anyone present wishing to address the Board on the matter of this change of zone application? That being the case and without objection, I declare the hearing to be closed. Let the record show that the hour of 8:29 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

8:15 PUBLIC HEARING CLOSED AT 8:29

PUBLIC HEARING - 8:20 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, December 15, 1987 at 8:20 p.m. to hear all interested persons who wish to be heard regarding: The Establishment of Water District Extension #28 to the Riverhead Water District.

(See Water District Minutes)

8:20 PUBLIC HEARING CLOSED AT 8:36

Supervisor Janoski, "Let the record show that the hour of 8:36 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:30 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, December 15, 1987 at 8:30 p.m. to hear all interested persons who wish to be heard regarding: Amending Section 101-19 of the Town Code, "Designating Handicapped Parking in Municipal Parking Fields".

Supervisor Janoski, "Mr. Town Attorney."

Richard Ehlers, "The Town Code provides may by ordinance, designate handicapped parking in the town owned fields. There are several town parking lots which are the subject of this hearing. The Town Advisory Handicap Council has reviewed all of the handicapped parking spaces in the town facilities. And it's based upon their recommendations that the stalls selected for this evening's hearing are presented. They are presented by way of map which has been on file with the Town Clerk. At the Iron Pier Beach, it's recommended that there be two spaces at the northwest corner. At Bayberry Park, Wading River, it's recommended to be two spaces next to the walkway and the comfort station. At Jamesport Community Center, it's recommended two spaces on the southwest corner. At the Polish Town parking lot, it is recommended that there be one space on the southwest corner. The Wading River Beach, two spaces on the northeast corner next to the comfort station. At the Wading River public parking lot, one space at the southwest corner. The downtown parking areas, one space. They're difficult to describe exactly. There are basically two spaces proposed in what would be called the Griffing Avenue parking lot. There are four spaces proposed in what would be the parking lot between Griffing and Roanoke. There's a relocation of parking spaces closer to the storefronts or rears of the stores in Peconic River parking lot. At Reeves Park, it's proposed that there be two spaces at the center next to the comfort station. Stotsky Park, two spaces at the southwest corner next to the entrance. Jamesport Beach and boatramp, two spaces on the east side center of the parking lot. And we have a map, basically showing the parking spaces as recently painted in the new First Street parking lot."

Supervisor Janoski, "Thank you Mr. Town Attorney. Is there anyone present wishing to address the Board on the matter of the passage of an ordinance for the handicapped parking spaces as described?"

Richard Ehlers, "If I may add just one. There are two spaces proposed in the Peconic River parking lot section which is in the vicinity of the Salvation Army. That's up as it gets near Main Street near the Main Street section. The purpose of those being near Main Street is that those spaces which serve Main Street, it was the opinion of the Advisory Council that spaces should be removed from areas where there are curbs. which presumably, handicapped people would have difficulty getting over."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you." Once again, is there anyone present wishing to address the matter of these parking spaces? Yes sir."

William Kasperovich, "It's very difficult to take that out of tape. I assume your tape recorder is functioning Mrs. Pendzick. It's very difficult to say anything that might be interpreted as being against parking areas for the handicapped. At the same time, I can see the earmarks on this amendment of our esteemed Town Attorney in his home stretch activity to make these spaces legal. Consequently, it is there and very difficult to change. Now, we all (I believe) agree that we lack in parking space at one time or another during the day. We are in dire need of parking spaces at different periods of time. Now, these places chosen for the handicapped are they closest and most convenient spots and rightly so. On the other hand, this applies for a long period of time that is in a twenty-four period and so many of these spaces are left vacant and they may have to be there for the convenience of a handicapped person but it's not the way it's supposed to be. It's this way because you haven't come up with any other answer."

Councilman Prusinowski, "Excuse me Bill. I have to just inform you that by federal law, the regulation says that at least 2% of any public parking lot must be designated for handicapped spaces and those spaces must be the most convenient spaces. And there is a whole set of regulations on why they must be closest to the entrances and the exits of public buildings. So this is not a plan which we put together out of the clear blue sky. We have handicapped people on the Handicap Advisory Board who, because the Town of Riverhead wants to fully comply with all the federal regulations because we get millions of dollars in federal funds, this is the proper thing to do and I agree with it. It's a wonderful thing and I'm for it. Since 1977, we've got millions of dollars of federal funds here and that's part of the regulations."

William Kasperovich, "Thank you for reading the law to me, Mr. Prusinowski. Thank God I won't have to listen to your voice in the future."

Councilman Prusinowski, "The feeling is mutual."

William Kasperovich, "Now, let me just relate. Maybe I'm running out of my time here."

Supervisor Janoski, "I would like to know if you're in favor or opposed to this."

William Kasperovich, "Well, you see, if characters like Prusinowski wouldn't interrupt me, I would be able to get to my point. You people seem to think that there is no preface or preamble necessary and I say there is. Because that's the only way to know that you're aware of this. Now, if I park in a handicap place, the definition of park comes into the issue. In New York City, if you park in front of a hydrant with your motor running

PUBLIC HEARING ContinuedWilliam Kasperovich, Continued

and you sitting behind the wheel, those people interpret that as parking. Now, here we are in Riverhead. If I park there and I sit behind the wheel to move immediately upon the indication of somebody wanting the space, I can't do this. If I sit there with my motor running with anticipation that if somebody comes near the area, I will leave the space. I can't do that because of the way you have introduced the word parking. This means that at no time, under no conditions, no way..."

Councilman Prusinowski, "That's exactly right Bill, because you have to have a handicapped sticker which is obtainable at the Town Clerk's Office."

William Kasperovich, "Don't read the law to me my friend."

Councilman Prusinowski, "Well, I'm going to read the law to you Mr. Kasperovich because that is the law. It is the proper thing to do because people are handicapped."

William Kasperovich, "You say it's the proper thing."

Councilman Prusinowski, "Yes I do. How about that. I think it's proper and you don't and this is why it's America."

William Kasperovich, "Well, I'll give you one to take home with you buddy."

Councilman Prusinowski, "Good, good. Do it. Go ahead."

William Kasperovich, "You publicly announced that the only good citizen is the one who pays more taxes than you do and that is by your mentality, the proper thing. Well, I say no way, Jose."

Councilman Prusinowski, "Good."

William Kasperovich, "I'm glad we won't see much of you up there."

Supervisor Janoski, "Bill, could I ask you to...."

William Kasperovich, "If you were running the podium properly, you wouldn't permit this man to ramble on this way. Now, knowing the amount of handicapped people we have, knowing the need of the time periods, knowing how the law will be interpreted if we do not spell it out, we are (in essence) just giving something to fulfill the law to satisfy people who are in sympathy with handicapped people. But we make no leeway that when these spaces stay empty and there is a need which can be covered to make way or give way to the handicapped. This becomes an arbitrary matter. And I say it shouldn't be. If I'm waiting for a handicapped individual, and I'm willing to let my car run and sit behind the wheel to give way at a moments notice that somebody seeks the space, I can then justify my use of the space. But because I don't have a sticker, I can't take care of a handicapped person. And consequently, I can not chauffeur a handicapped person to or from King Kullen."

PUBLIC HEARING Continued

William Kasperovich, Continued

Even though the spaces are vacant and there's nobody around to use it. Now, when there's more than one space and the other space gets filled, you move away. But when there are two spaces and they're both vacant and you're accomodating a handicapped individual, you are not permitting this and I say you haven't given consideration to these variable situations that are as just as much in need as the handicapped individual driving his own vehicle."

Supervisor Janoski, "Thank you Bill."

Councilman Lombardi, "Bill, could I say something please? For twelve years that I have sat here and listened to you."

Councilman Prusinowski, "Pure nonsense."

Councilman Lombardi, "No, I'm not saying that Vic."

William Kasperovich, "Point of order Mr. Chairman, Mr. Supervisor. Are you permitting this. You're the Supervisor. You're sitting up there chairing this meeting. You're permitting this?"

Councilman Lombardi, "Can I say what I'm saying?"

William Kasperovich, "No. You can talk to me only...."

Councilman Lombardi, "I'm very surprised that you're talking that way. Really and truthfully. I've sat here for twelve years and listened to you and I enjoy sitting and listening to you. When you come up with something like that, saying you want your car running or leave your car running...."

William Kasperovich, "No. I didn't say my leave my car running. You tell me you were listening but you didn't hear what I had to say."

Councilman Lombardi, "I'm listening to you Bill. You're sitting in there and sitting in a spot waiting for a handicapped person to come and you're going to get out of there. Well, I'm sorry. I disagree with you Bill and it's the first time I really disagreed with you in twelve years."

William Kasperovich, "You haven't chauffered or accomodated any handicapped people to do their shopping. People who can not own a car or drive a car."

Supervisor Janoski, "John, please. Bill, thank you very much."

William Kasperovich, "And I want you to not Mr. Supervisor and anybody else that's interested. A good example, I talk, they hear me but they don't listen."

PUBLIC HEARING Continued

Supervisor Janoski, "Is there anyone else present? Mr. Powers."

Ed Powers, Aquebogue, "First of all, you set a time for all the handicapped people to come to town, so Bill has a parking space when he needs it. Second of all, you're saying...."

William Kasperovich, "You permit this sort of thing..."

Supervisor Janoski, "Could you just state your position Eddie. Could you just state your position and not mention any one else in the room."

Ed Powers, "You're making mention of the handicapping parking at Wading River Beach, fine. There is access to the beach there. At Reeves there is no access for handicapped at the beach and at Jamesport there is no access for the people at the beach."

Councilman Prusinowski, "There will be."

Supervisor Janoski, "Thank you. Nora."

Nora Durska, Wading River, "I think that we need more handicapped. More handicapped so that the parking spaces won't be empty. Is that what he suggested?"

Supervisor Janoski, "Is there anyone else present wishing to... Yes, I see your hand. Come on up here. Most of the issues that we addressed tonight were weighty."

Florence Sykora, Riverhead, "On this situation with the handicapped parking, I would like to see some control that those that aren't handicapped parking in those spaces."

Supervisor Janoski, "They get a ticket."

Florence Sykora, "Well, we've seen them and they are not ticketed."

Supervisor Janoski, "Well, that may very well happen."

Florence Sykora, "And we've seen them in those spaces for about an hour or so."

Councilman Prusinowski, "If you see them in the spaces, you should take down the license plate number and call the police department. We'll send a car over and give them a ticket."

Florence Sykora, "Well, we will from now on and I hope it works out that way. Because sometimes it doesn't."

Councilman Prusinowski, "Even if they're standing."

Florence Sykora, "Ok. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "Ok. Thank you. Is there anyone else wishing to address this matter? That being the case and without objection, I declare this hearing closed. We are going to recess until quarter passed the hour of nine."

8:30 PUBLIC HEARING CLOSED AT 8:53

TOWN BOARD MEETING RECESSED AT 8:30
TOWN BOARD MEETING RECONVENED AT 9:19

Supervisor Janoski, "The meeting will return to order."

GROUP OF PEOPLE FROM WADING RIVER UNFURLED TWO BANNERS
OPPOSING THE WADING RIVER MORATORIUM

Supervisor Janoski, "We are going to take up the resolutions."

RESOLUTIONS Continued#831 APPROVES SPECIAL PERMIT APPLICATION OF PECONIC BAY MOTORS.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, Peconic Bay Motors, Inc., applied for a special permit dated August 18, 1987; and

WHEREAS, said special permit application is for the alteration of non-conforming signs to be replaced with alternate non-conforming signs; and

WHEREAS, the site plan of Peconic Bay Motors, Inc., was amended and adopted by this Board on June 16, 1987; and

WHEREAS, as the change in the alteration is less than 10%, this Board determines that the public hearing upon the application shall be waived.

NOW, THEREFORE, BE IT

RESOLVED, that this Board hereby approves the special permit of Peconic Bay Motors, Inc., to alter the non-conforming signs and replace them with alternate non-conforming signs as shown in the special permit application dated August 18, 1987; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peconic Bay Motors, Inc., the Riverhead Planning Department and the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued# 832 AUTHORIZES PURCHASE OF COUNTY-OWNED PROPERTY LOCATED AT OSBORNE AVENUE (AMBULANCE BARN)

Councilman Pike offered the following resolution, which was seconded by Councilman Boschetti:

RESOLVED, that the Supervisor be and is hereby authorized to execute any and all documents for the purchase of property located on Osborne Avenue, Riverhead, New York, Suffolk County Tax Map ID #0600-108-2-5, at a cost of \$13,180.77 for use by the Town of Riverhead for the construction of an ambulance barn; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the County of Suffolk Department of Real Estate and the Riverhead Ambulance Corps.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

833 RESCINDS ORDER DATED 12/1/87 AND ADOPTS ORDER ESTABLISHING EXTENSION 41 TO THE RIVERHEAD WATER DISTRICT DATED 12/15/87 (KARLIN).

(See Water District Minutes).

834 AUTHORIZES PAYMENT OF ATTORNEYS FEES

Councilman Lombardi offered the following resolution, which was seconded by Councilman Prusinowski:

RESOLVED, that members of the Town Board and the Chief of Police be reimbursed for their actual attorneys' fees in connection with their appearance before the Suffolk County Grand Jury regarding the installation of the telephones in the new Riverhead Police Station. Such reimbursement shall be made upon receipt of a voucher submitted by the attorney selected by the individual. Said voucher is to be submitted to the Town Attorney's Office for review at an hourly rate for the individual attorney as filed with the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to each of the members of the Town Board and to the Chief of Police.

RESOLUTIONS Continued

Councilman Prusinowski, "I know that in the Chief of Police Contract we have a clause in there that says that we would represent him in situations that don't involve personal criminal activity. So I have no problem with that. But on principal, I don't believe that this is a proper use of tax payer's money in this situation. So I'm going to vote no."

The vote, Boschetti, yes, Pike, yes, Prusinowski, no, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#835 APPOINTS RICHARD DEPETRIS AS SPECIAL COUNSEL (STEVENOT & TUFANO).

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

RESOLVED, that Richard DePetris, Esq., be and is hereby appointed as Special Counsel to the Town of Riverhead in the Town's efforts to enforce compliance of the restoration of wetlands within the boundaries of property owned by Robert Stevenot and William J. Tufano, at an hourly rate as filed with the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Richard DePetris, Esq. and the Conservation Advisory Council.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#836 AUTHORIZES TOWN EXPENDITURES.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Supervisor be and is authorized to pay the following:

GENERAL TOWN

Abstract #20	vouchers 8031-8192	totalling \$423,334.55
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HIGHWAY

Abstract #20	vouchers 635-640	totalling \$ 49,579.23
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TOWN HALL CAP. PROJECTS

Abstract #20	vouchers 90-98	totalling \$ 59,690.41
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STREET LIGHTING

Abstract #20	vouchers 207-216	totalling \$ 5,641.49
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PUBLIC PARKING

Abstract #20	vouchers 238-245	totalling \$ 7,229.63
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DISCRETIONARY

Abstract #20	vouchers 326	totalling \$ 85.09
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RESOLUTIONS Continued

<u>PAL</u>			
Abstract #20	vouchers 12	totalling \$	38.95
<u>GENERAL TOWN DEBT SERVICE</u>			
Abstract #20	vouchers 19-20	totalling \$	475.00
<u>YOUTH SERVICES</u>			
Abstract #20	vouchers 53	totalling \$	1,268.68
<u>SRS. HELPING SRS.</u>			
Abstract #20	vouchers 88	totalling \$	1,503.14
<u>MUNICIPAL GARAGE</u>			
Abstract #20	vouchers 201-206	totalling \$	11,150.77
<u>MUNICIPAL FUEL</u>			
Abstract #20	vouchers 30-31	totalling \$	7,174.19

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#837 A LOCAL LAW PROVIDING FOR A TEMPORARY MORATORIUM ON DEVELOP-
MENT IN THE WADING RIVER HAMLET AREA IN THE TOWN OF RIVERHEAD
IN ORDER TO PERMIT THE EFFECTIVE AND ORDERLY COMPLETION AND
IMPLEMENTATION OF A REVISED TOWN MASTER PLAN COMPONENT FOR
THE WADING RIVER AREA.

Councilman Lombardi offered the following resolution which
was seconded by Councilman Prusinowski.

RESOLUTION #837 contained in its entirety on the following
pages.

VOTE contained after discussion and several public appearances.

RESOLUTIONS Continued

#837

LOCAL LAW # 5 of 1987

**A LOCAL LAW PROVIDING FOR A
TEMPORARY MORATORIUM ON
DEVELOPMENT IN THE WADING
RIVER HAMLET AREA IN THE TOWN
OF RIVERHEAD IN ORDER TO
PERMIT THE EFFECTIVE AND
ORDERLY COMPLETION AND
IMPLEMENTATION OF A REVISED
TOWN MASTER PLAN COMPONENT
FOR THE WADING RIVER AREA**

BE IT ENACTED by the Town of Riverhead as follows:

Section 1. Legislative Findings

A. The Town Board finds that the Town's Comprehensive Plan, prepared by McKloskey And Reuter in 1973, is currently the subject of revision. In this year, 1987, this Board along with the Riverhead Planning Board, and the Town Planning Department, began the process of a full study of the Wading River Hamlet.

B. The Town Board further finds that there are hundreds of acres of wooded and farmed land currently under review before the Town Planning Board in the Hamlet Study area.

C. The Town Board further finds that it established a moratorium on the subdivision of land during this planning period which will expire November 2, 1987 and that the timing of the Hamlet Study and full compliance with the State Environmental Quality Review Act will not provide enough time for the

RESOLUTIONS Continued

plan and enforcement legislation to be enacted before that moratorium expires.

D. The Town Board further finds that, with the comprehensive nature of the planning effort and required S.E.Q.R.A. compliance that nothing should be allowed to preclude the proper planning, full analysis, review and constructive improvement before final adoption.

E. The Town Board further finds that to allow the lifting of the moratorium will enable and would in fact encourage hundreds of more acres of land to be lost to subdivision, which would seriously threaten the viability of the Hamlet Study and would render moot the improvements to the general welfare, health and safety provided for therein.

F. Further the Town Board finds that Municipal Home Rule Law section 10(1)(ii)(a)(14) and section 10(1)(ii)(d)(3), Statute of Local Governments Section 10(6) and Article IX(2)(b)(3) of the State Constitution vest in the Town Board the authority to adopt Local Laws which modify and supersede the provisions of the Town Law regarding the review and approval of development applications where the Town Board finds, as this Board does now find, that the high volume of existing applications and other local conditions, hereinabove described, warrant such modification and supersession.

Section 2. Moratorium on Subdivisions and Developments

For the reasons and under the authority cited above, unless specifically provided for herein, or specifically exempted from the provisions of this local law, no agency, board or department of the Town of Riverhead shall accept or process any application, or grant any approval for, or authorize any action for, or by inaction allow to occur, any subdivision of land, residential condominium development or site plan approval on land within the Study Area.

All mandatory time periods under the Town Law are tolled for the effective period of this local law.

Section 3. Study Area Map

The revised map prepared by the Town Planning Department, included in the request for proposals on the Wading River Study

RESOLUTIONS Continued

area, shall define the Study Area, which shall be the area covered by this moratorium.

Section 4. Exemptions

The following approvals or permits are excepted, and exempt from the moratorium

1. The provisions this local law shall not apply to any application made pursuant to the provisions of the town Code to a) build a single family residence on an existing lot or b) reconstruct, alter, expand, restore or repair any existing buildings or structures, provided that the total gross floor area and total coverage of any such building or structure is not to be increased by more than twenty five percent (25%) as a result of the activity for which the application seeks approval.

2. The provisions of this local law shall not apply to any subdivision application which has received preliminary plot approval by actual vote of the Planning Board before September 25, 1987, provided, however, that all such subdivision which contains more than 50% farmland shall be required to comply with the provisions of the Draft Farmers' Bill of Rights, September 28, 1987 version.

3. The provisions of this local law shall not apply to any existing application for a TDR Receiving project utilizing the transfer or surrender of development rights which has completed SEQRA compliance as of September 25, 1987.

4. Affordable Housing or Senior Citizen Projects - This local law shall not apply to projects to provide housing for low and moderate income residents of the Town, or senior citizens of the Town, where such projects are undertaken directly by the Town Board of the Town of Riverhead, or another Town agency or authority acting with the approval of the Town Board and on its behalf.

5. This Local Law shall not apply to any applications for which a special permit or site plan approval has been granted by the Riverhead Town Board.

6. This Local Law shall not apply to the Minor subdivision of existing lots which are less than 10 acres, or any subdivision which is developed at a density of two (2) acres per dwelling unit as determined by a yield map approved by the town Planning Board.

7. SEQRA compliance. This local law shall not apply to the processing of Environmental assessment forms or Draft environ-

RESOLUTIONS

mental Impact statements, or other Seqra compliance activities. Information developed during the SEQRA process shall be forwarded to the Planning Department for consideration in the Hamlet study.

8. Exemption applications

a. The Town Board may by resolution passed by a four vote majority, authorize any individual, board or body affected by this local law to grant a permit, approval or authorization prohibited hereunder, provided:

(1) The owner of the affected land petitions the Town Board to grant such relief;

(2) The Town Board has held a public hearing on the petition upon at least ten (10) days notice published in the official newspaper of the Town.

b. Notwithstanding compliance with each of the provisions of the preceding subsection 7(a) hereof, no petition for relief from an owner of property affected by this local law shall be granted unless the Town Board affirmatively finds that:

(1) Granting of the permit, approval or authorization sought would have no adverse impact upon any of the goals of the Town sought to be furthered by this local law;

(2) The project or activity for which approval is sought would be in harmony with the existing character of the Town, and its consideration and approval would not worsen the conditions found to exist by the Town Board in Section 1 hereof;

(3) The project or activity for which approval is sought is consistent with any interim data, studies or findings then available from the Master Plan update in progress.

Section 5. Construction

The provisions of this local law shall be strictly construed.

Section 6. Validity

The invalidity of any section or provision of this local law shall not invalidate the local law as a whole or any other section or provision thereof.

Section 7. Effective date

This local law shall take effect upon the filing thereof in the office of the Secretary of State as provided for in the Municipal Home Rule Law.

Section 8. Duration

This Local Law shall remain in effect until 1) the formal adoption of a Hamlet Study Plan for the Hamlet of Wading River and the effective date of Legislation enacted to enforce that plan, or 2) the expiration of 6 Months, whichever shall first occur. This law may be extended for two successive periods of three months by a resolution of the town board passed by a four vote majority.

Supervisor Janoski, "Mr. Pike is telling us we've had three hearings. Does any member of the Board object to a person being heard? You've got the microphone."

Bruce Stukey, Wading River, "I'm not going to take up a lot of time. I think we've gone through the hearings and everything else. But I think there's a lot of people in this audience and a lot of people at our meeting last night. I just want to let you know. Please don't vote in this moratorium whether it's residential or "CR". And that's all I'd like to say."

Supervisor Janoski, "Thank you. Henry."

Henry Pfeiffer, Wading River, "I'll be very brief too. I was very fascinated by the particular signs in the back. I was very intrigued as were the members of the news media. And I saw quite a few of them taking pictures of these pennants and the sentiments expressed thereof. I would like to direct their attention to the pennant directly behind Mr. Janoski up there. You might want to take a picture of that because that represents the real concern of not only the citizens of Wading River but the citizens of the Town of Riverhead. You might recall that if this kind of moratorium had been in effect prior to Peconic Avenue running into a dead end up at Main Street, we might have saved an awful lot of money in the traffic controls, gasoline and aggravation. The same thing with the traffic circles. They are splendid places to place a Christmas tree. They look beautiful. But perhaps we might have considered an underpass or a third lane around them. What I'm saying is this, if we have sufficient time to do a methodical and logical study of the needs of the people of Wading River (Riverhead) that we should enact this moratorium. Thank you."

RESOLUTIONS Continued
(personal appearances, continued)

Guy Cricchio, Wading River, "A business person and farmer's association. We've been hearing this moratoriums, studies. It's going on three years now and I think that's more than enough time. No disrespect Mr. Pfeiffer. But they've had... We've all had a long time and it's causing more problems. And more important than anything else, I believe it's costing a lot of tax payers money and that's what we're all about. The business community in any section brings in the most... I know there are a lot of people saying let's go on with studies, studies are important. Studies are important but we need studies that are important to us and not from outside concerns because we saw what happened in the past. That's all I have to say. Thank you."

Supervisor Janoski, "Thank you. Yes."

Edward Kelsey, Wading River, "I own property on 25A in Wading River. I'd just like to say that I don't believe the moratorium should be put in effect only because it's a problem for me in many respects. One being that I can't develop my property which I purchased already which I own amongst two other partners. I feel that the Planning Board, the Town Board, any board of the town has no right to tell me what I can do with my property and I think they should seriously concern themselves or guide themselves accordingly in placing a moratorium into effect because I don't think anybody in this room will be taking it lightly. Thank you."

Supervisor Janoski, "Bill."

William Hauggard, "Mr. Supervisor and members of the Town Board. I've lived in Wading River for over 20 years and I do not own property on 25A. And for your information, at the present time, I don't represent in court or as a lawyer anyone who does. But I do have many friends who have property on 25A and this of course is my immediate concern although I'm also aware of the problem concerning residential development. And gentlemen, I'm going to ask you for the last time that I have the opportunity here, to vote against this moratorium on the simple ground that it's not fair. It is not just. You are hurting people with this. I see it. I know them. They're my friends and neighbors and you are hurting them. And I want to ask you exactly what you expect to accomplish with this. Where are we going on this? What is the goal? If you're going to say; well, we're going to upzone. You have that power. If you're going to say; we're going to control business better along 25A, you have that power and you may do it. You don't need to study. You don't need to hold up the progress part of peace and prosperity by progress which is our town motto if I read my latin well. It is very important. It's not fair gentlemen. You're hurting people, financially and otherwise. It's not fair."

Supervisor Janoski, "Thank you. The resolution has been moved and seconded."

RESOLUTIONS Continued

Councilman Prusinowski, "I was going to vote against this moratorium tonight. During the campaign I was very disturbed that not many people took a stand on this issue. It's an agonizing vote. I feel for the people who own the property. This dye has been cast. months and months ago unfortunately. I can take the easy way out and vote no and tell the property owner that I was on their side but... I did make a committment before the election to vote for the moratorium, so I'm going to vote yes."

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, no.

The resolution was thereupon duly declared adopted.

#838 AUTHORIZES TOWN CLERK TO PUBLISH AD FOR BIDS FOR POLICE UNIFORMS.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of Police Uniforms for the use of the Riverhead Town Police Department, and be it

RESOLVED, that the specifications and forms for bidding be prepared by the Police Department and bids to be returnable up to 11:00 a.m. on January 8, 1988, and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to open publicly and read aloud on January 8, 1988 at 11:00 a.m. at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York. All sealed bids bearing the designation, "Bid on Police Uniforms".

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#839 ACCEPTS PERFORMANCE BOND OF BAYWOOD ESTATES INC. (MAP OF THE MANORS AT BAITING HOLLOW).

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the Riverhead Planning Board, by resolution dated October 1, 1987, approved the subdivision map of the Manors at Baiting Hollow, Section I, subject to the posting of a bond in the amount of \$226,000.00 covering the costs of improvements required by said resolution; and

WHEREAS, a performance bond has been forwarded to the Office of the Town Attorney, who has reviewed same as to form.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the resolution of the Planning Board, the Town Board of the Town of Riverhead does hereby accept the performance bond of Baywood Estates, Inc., assuring the completion of the improvements in the subdivision known as "Map of the Manors at Baiting Hollow, Section I", covering the improvements directed by the Planning Board; and be it further

RESOLUTIONS Continued

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq., attorney for the applicant and the Riverhead Planning Board.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Before we adjourn for the evening, it has been noted that this will be Councilman Prusinowski's last meeting as Councilman. And of course, it is the last meeting of our esteemed Town Attorney and one of the things that we have been fortunate in is to have the continuity of the same Town Attorney for the past six years. I don't know that anyone will appreciate that more than I do. There is certainly something to be said of a Town Attorney who handles not only legal matters, but is an engineer on the side, takes care of bonding and gets involved in every aspect of the governing of this town. I was very tempted when he indicated that he wanted to run for Town Justice to tell him that he was crazy but I did support him and I'm happy that he will be moving on to that. We have a void that will be created and I will recognize you because I know that you would like to say something."

Richard Ehlers, "Thank you very much. I want to thank the Board. You get an education, you go to law school and you start out as a lawyer and you think you know a whole lot and very quickly you learn that you don't know much of anything. And I do know that I started knowing nothing about my local government. And what I have come to realize is that the local government is the only government that makes a d--- bit of difference in reality to the lives of the people. You make more important decisions for these people's lives and I want to thank you for letting me work for you over the years. I've enjoyed it. I'll be able to use it as knowledge for the rest of my life. I think you've made a lot of hard decisions as a Board. I've never seen anyone do any of the things that politicians are accused of in the way of improprieties or dishonesties. It's really been a wonderful thing to work with people who really love the Town of Riverhead. I thank you all for your confidence. It's only with your confidence that a Town Attorney can do a good job for you. I hope that who ever your new Town Attorney is that they can gain your confidence and your respect and that you give the staff as you have myself, and some of the other staff, the latitude to do the job. When the Board says get it done, the staff should go ahead and do it and just report back that it's done. Thank you."

Supervisor Janoski, "Thank you. And of course, Victor, who over the past eight years has become more than a fellow Board member, he's a friend. And he is an individual who has worked hard. Sometimes he confuses the hell out of us but he works hard at it. Not confusing us but works hard at his job. And I am going to miss him as I'm sure the other members of the Board are. As a matter of fact, I hear he's buying down at the Rendezvous after this meeting. But Victor, on behalf of this Board, say farewell for a short time."

PERSONAL APPEARANCES Continued

Councilman Prusinowski, "Well, it's been a pleasure working for the Town of Riverhead and all the elected officials over the years. I want to congratulate Denise who is going to make a fine Councilwoman and I support her. I think she should get our support especially. Because I remember in 1979 when I won, you are kind of lost. You're kind of nervous. I remember my first vote. It was a very nerve racking situation. But over the years, I will kind of echo what Dick Ehlers has said. You don't realize that we're the first line of defense of the public. Because even Steve Haizlip comes up here and he'll always try to talk to use about state issues because he's frustrated because he can't get the access to his state representatives like he can with the Town Board and that's why we're here. So on behalf of all the people I've worked with; John, Lou, Rob, Tony, Doc, Vince, Irene, and everybody else. It's been a pleasure. I'm going to see you all the time. You have a desk at Suffolk Life. Don't you remember. And especially the Supervisor. The only advice I give to the Town Board, tonight's vote on the moratorium is very tough. I think it's time we act decisively and not drag these issues on. It's very very difficult to tell somebody that you're going to upzone their land or do what has to be done. Let's do it, talk about, be straight forward, not dance around the issues because I think that's what the public wants today. And on that note, it's been a pleasure and I'll see you down at the Rendezvous."

Councilman Prusinowski, "Vic thinks he's done but the butter hasn't yet flown. A story; one of the people I've talked to when I first was asked to run for this seat, one of the very first people I talked to was a member of the opposite party and we were out on his boat. And I asked him quite candidly, is this something you can find some quality and joy in? And he said no but he encouraged me to run. He encouraged me to think about it. And I have to say, in my short tenure here on the Board that I have often gone to Vic for guidance. I have often tried to influence him. I find that our debates are on the issues far more than on personalities. I find a man who came to these meetings having done his homework, with the ability to analyze issues fully. And in the final analysis, to say what he meant. And as tonight's example, proves right up until the end of his career, did what he said he would do. That is a true cherished quality among public officials. And while I'm ecstatic to have Denise joining us to balance this Board off a little bit more, I'm losing a good friend in Vic Prusinowski on this Board and I'm sorry to see him go."

Supervisor Janoski, "That would be a democrat's idea of balance."

Councilman Lombardi, "Well, maybe I have to say something."

Supervisor Janoski, "Say something nice John."

Councilman Lombardi, "I am. I guess I've been with Vic the longest; eight years. I'm going to miss him. We don't agree on everything and I have made his legs black and blue sometimes by kicking him under the table but he just went ahead and

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PERSONAL APPEARANCES Continued

COUNCILMAN LOMBARDI, Continued

said what he had to say and I give him a lot of credit for that. I think he's done a good job here and I'm going to miss him. And as I said, Denise, I'm happy to have her aboard. Somebody has to win and somebody has to lose and I just wish Vic a lot of luck in whatever he does and he's been doing pretty d--- good. And I just want to say so long to him."


Councilman Boschetti, "I just want to add my two cents Vic and Dick. I just want to wish you both well in your new position Dick and Vic, although yours is not new, you'll be able to devote a heck of a lot more time to it and I'm sure you will make it more of a success than you already have. The best of luck to both of you and I hope your new year in '88 is a great one."

Councilman Prusinowski, "Thanks a lot guys."

Supervisor Janoski, "Without objection, this meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 9:43 p.m.

IJP:nm


Irene J. Pendzick
Town Clerk